

# Non-Responsive Non-Responsive Non-Responsive

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**Sent:** Wednesday, March 20, 2013 9:45 AM

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**Cc:** Ford, Peter; Cohon, Keith; Levine, MaryEllen; justin.smith@usdoj.gov

**Subject:** ALASKA COMMUNITY ACTION ON TOXICS v. AURORA ENERGY SERVICES, ET AL., No. 3:09-CV-00255-TMB (D. Alaska)

Counsel – EPA anticipates filing tomorrow a motion seeking leave to participate as amicus curiae with respect to the parties' cross-motions for summary judgment in this case. EPA's motion will ask the court to require EPA to file its brief within 30 days following an order granting leave to participate as amicus. The motion will also acknowledge that the parties may wish to respond to the brief and asks the court to order the parties to confer and propose a schedule for responses and replies (if leave is granted).

The matters the United States wishes to address are those raised in EPA's March 4 letter to ADEC, with which the parties are familiar (see Dkt. 157). The United States also plans to express its views as to the characterization of EPA's position on these issues in the pending motions.

As the summary judgment motions are already under consideration by the court, we would like to file this motion as promptly as we can. Please advise me by 2:00 pm eastern tomorrow (Thursday) as to whether your client will consent to EPA's motion. If you client opposes EPA's request, please indicate whether you anticipate filing a response in opposition.

Thanks in advance, DG

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